

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

vs.

JUAN CARLOS HERNANDEZ

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CRIMINAL NO. 14-mj-00461-LAM

**DEFENDANT’S AMENDED MOTION TO SEEK AUTHORIZATION FOR THE
USE OF ELECTRONIC DEVICES AT THE DETENTION FACILITY WHEREIN
DEFENDANT IS DETAINED**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW JUAN CARLOS HERNANDEZ, Defendant in the above-styled and referenced cause, by and through his attorney of record, BROCK BENJAMIN, and files this his Amended Motion to Seek Authorization for the Use of Electronic Devices at the Detention Facility Wherein the Defendant is Detained. As grounds therefore, the Defendant would show the following:

I.

The Defendant is charged by way of Indictment with Online Enticement of a Minor (Count One) and Travel With Intent to Engage in illicit Sexual Conduct (Count Two). Request for a bond was denied, and the Defendant was remanded to the custody of the United States Marshals’ Service. He is currently being detained at the Dona Ana County Detention Facility.

II.

Defense counsel has obtained through the Assistant United States Attorney discovery in the instant case, Marissa Lizarraga, which consists of compact disks. Which can only be opened, reviewed, and analyzed by way of a computer. Undersigned counsel

has heretofore been unable to procure permission from Dona Ana County Detention Facility for admission of electronic devices into the secured areas of the facility.

III.

Undersigned counsel has the ability to produce an iPad or laptop computer with the required capabilities to review and analyze the evidence in this case. Such computer is of a discrete size and can be submitted to any required inspection as ordered by this Court, or as needed by Dona Ana County Detention Facility.

IV.

It is not known whether the Defendant will be transported to another facility. For such reason, undersigned counsel would request that the Honorable Court authorize his admission with an electronic device (for the sole purpose of reviewing discovery) into any detention facility wherein the Defendant is housed during the pendency of his case.

V.

Assistant United States Attorney Marissa Lizarraga does not oppose the instant request.

VI.

Additionally, as it is not practicable to review this material in the normal manner by way of telephone communication in booths. The undersigned would additionally request that the Court authorize a “contact” visit with Defendant. The undersigned would request that this Court simply authorize such, counsel will coordinate with the detention facility to schedule and comply with their regulations.

WHEREFORE, PREMISES CONSIDERED, the Defendant would hereby request that undersigned counsel be granted authorization, for the sole purpose of reviewing the

evidence, to admit an electronic device into any detention facility wherein the Defendant is housed during the pendency of the instant case.

Respectfully submitted,

/s/

BROCK BENJAMIN
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 14th day of July, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing and service to all CM/ECF registrants.

/s/

BROCK BENJAMIN